IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 27TH JULY 2006 / 5TH SRAVANA 1928

Bail Appl..No. 4494 of 2006

(CRIME NO.109/2006 OF POOYAPPALLY POLICE STATION)

PETITIONER/ACCUSED

SUDHEER,
S/O.MUHAMMED ISMAIL, AGED 26,
ITTY POIKAYIL VEEDU, KARALIKKONAM,
ELAMADU P.O.

BY ADV. SRI.M.K.CHANDRA MOHANDAS
SRI.K.P.PRATHEEP ROY

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE, POYAPALLY POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4494/2006

DATED THIS THE 27TH DAY OF JULY, 2006

O R D E R

The petitioner is second accused, in crime No.109/2006 of Pooyappally Police Station. The allegation is that the petitioner, along with one Nizar, had intercepted an autorikshaw and pulled down the defacto complainant, who was coming after his work, and robbed him of an amount of Rs.4,850/-. They also inflicted injury on his forehead. Therefore, at the instance of the complainant, the crime had been registered by the police, under Section 394 IPC. The first accused was arrested and remains in judicial custody. The second accused is before this Court, under Section 438 Cr.P.C.

2. I heard the arguments advanced by either side. Considering the facts on record, I find that this is not a fit case to pass an order, under Section 438 Cr.P.C.

Hence the application is dismissed.

J.M.JAMES
JUDGE

mrcs